

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

MICHAEL R. TURNER,

Petitioner,

-vs-

STUART HUDSON, Warden,

Respondent.

:

Case No. 2:07-cv-595

:

District Judge Timothy S. Black  
Magistrate Judge Michael R. Merz

:

**SCHEDULING ORDER**

This capital habeas corpus case came on for scheduling conference by telephone at 9:00 A.M. on Tuesday, June 18, 2013. David Stebbins, Sharon Hicks, and William Lazarow participated on behalf of the Petitioner; Thomas Madden participated on behalf of the Warden.

**Procedural History**

Turner filed his Petition for Writ of Habeas Corpus on June 15, 2007 (Doc. Nos. 17, 19). After discovery and an evidentiary hearing, the Magistrate Judge filed a Report recommending dismissal of the Petition on April 22, 2011 (Doc. No. 135). A Supplemental Report recommended the same result and a disposition of Petitioner's Motion for Certificate of Appealability (Doc. No. 152). On March 8, 2012, Petitioner moved to amend to add Fifteenth and Sixteenth Grounds for Relief related to Ohio's lethal injection protocol (Doc. No. 155). On March 21, 2013, Judge Black overruled the Warden's Objections to the Magistrate Judge's Order

granting leave to amend (Doc. No. 204). The next day Judge Black declared the pending Reports and Recommendations moot in light of the fact that they do not, as required by S. D. Ohio Crim. R. 57.2, address all of the Grounds for Relief now pled in the case (Doc. No. 205).

### **Schedule**

With the agreement of the parties, the Court adopts the following schedule:

- |    |   |                    |
|----|---|--------------------|
| 1. | Amended Return of Writ due                        | August 5, 2013     |
| 2. | Amended Traverse due                              | September 18, 2013 |
| 3. | Warden's Motion for Judgment on the Pleadings due | October 21, 2013   |
| 4. | Petitioner's Motion for Discovery due             | October 21, 2013   |

The Warden has re-filed the Appendix to Return of Writ so as to obtain PageID numbers for all pages; all future references to the record made by either party shall include reference to the relevant PageID number(s).

The Magistrate Judge confirmed for the parties that Judge Black's mootness order does not mean the Court intends to relitigate the matters already litigated in the case.

June 18, 2013.

s/ *Michael R. Merz*  
United States Magistrate Judge